

UNITED STATES DISTRICT COURT  
for the

Eastern District of California

United States of America

v.

DAVID TALCOTT USSERY

Date of Previous Judgment: September 12, 1996  
(Use Date of Last Amended Judgment if Applicable)

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)  
Case No: 2:05CR00034-03  
USM No: 15710-097  
David Porter, Assistant Federal Defender  
Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 165 months is reduced to 143 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 32

Amended Offense Level: 32

Criminal History Category: VI

Criminal History Category: VI

Previous Guideline Range: 210 to 262 months

Amended Guideline Range: 210 to 262 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.  
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
 Other (explain):

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated 09/12/1996 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 05/22/2008

  
\_\_\_\_\_  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Lawrence K. Karlton, United States District Judge  
Printed name and title